IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION No.1130 OF 2003

Girish Tulsidas Gandhi .. ..Petitioner

Versus

Shri Kaizer N. Latif .. ..Respondent

Mr.Mohan Pungalia for petitioner

Mr.K.Y.Mandlik for respondent

WITH

WRIT PETITION NO.5584 OF 2002

Shri Kaizer N. Latif .. ..Petitioner

Versus

Shri Girish Tulsidas Gandhi .. ..Respondent

Mr.K.Y.Mandlik for petitioner

Mr.Mohan Pungalia for respondent

CORAM : P.V.KAKADE, J.

DATE : 18TH JANUARY 2006.

P.C.:

1. Heard the learned counsel for both the parties in both Petitions, which are in fact arising out of common order passed by the lower court.

2. The suit premises consists of eastern side Annexe of Bungalow No.118, Koregaon Park (Hariniketan) Pune-1. The total area of the bungalow is 14850 sq. feet for which property taxes are Rs.7257/= per annum and water charges come to Rs.1200/= per annum. The Small Causes Court, Pune fixed the standard rent of the suit premises, which is 1/6th area of the total area of the bungalow, at Rs.500/= per month plus water charges, plus taxes, plus electricity charges and permitted increases, therefore, the landlord filed Petition, who has claimed the standard rent at rate of Rs.1000/= per month exclusive of education cess and other property taxes.

3. After hearing both the parties in both the petitions and on perusal of the record, I do not see any reason as to why the standard rent of the suit premises should not be fixed at the rate of Rs.1000/= per month along with the proportionate taxes. Mr. Mandlik, the learned counsel for the tenant-petitioner has calculated the proportionate taxes payable for 1/6th share of the entire bungalow at Rs.1410/= including water charges, which in my considered view, appears to be correct as well as reasonable. Hence, without going into further details, it is hereby directed that the standard rent of the suit premises is fixed at Rs.1000/= per month and the tenant shall be liable to pay the same along with proportionate taxes at the rate of Rs.1410/= including water charges per annum. The arrears at the same rate shall be payable with effect from the date of the suit. The arrears to be paid within eight weeks from the date of this order. With this direction both the petitions stand disposed of with no order as to costs.